

REMARKS

Claims 1-10, 12-22, 30-50, 53-59, 61-72, 75-78, 80-83, 85-88 and 95-97 were pending and presented for examination and in this application. In an Office Action dated September 12, 2007, claims 1-10, 12-22, 30-50, 53-59, 61-72, 75-78, 80-83, 85-88 and 95-97 were rejected.

Claims 1, 30, 53 and 85 are amended in this Amendment and Response. No claims are cancelled or added. Reconsideration of all outstanding objections and rejections, and withdraw them, is requested.

Claims 1-10, 12-15, 17-19, 21, 22, 30-45, 48-50, 53-59, 61-63, 65, 68-72, 75-68, 80-83 and 85-88 Not Obvious in View of Rukman, Walsh, Beck and White

Claims 1-10, 13-15, 17, 18, 21, 22, 30-45, 48-50, 53-59, 61-63, 65, 68-72, 75-78, 80-83, 85-89 and 95-97 were rejected under 35 USC § 103(a) as allegedly being unpatentable in view of U.S. Patent Publication No. 2004/0185883 to Rukman ("Rukman"), U.S. Patent Publication No. 2003/0114174 to Walsh et al. ("Walsh") and U.S. Patent Publication No. 2001/0025309 to Macleod Beck et al. ("Beck") and U.S. Patent No. 6,941,134 to White ("White"). This rejection is now traversed in light of the amended claims.

As amended, claim 1 recites:

A method for displaying a plurality of related SMS (Short Message Service) messages comprising:

reviewing a plurality of SMS messages associated with a first party;

determining whether to thread one or more SMS messages from the plurality of SMS messages into an SMS message thread by applying a set of incoming SMS message rules to incoming SMS messages, the set of incoming SMS message rules associating an incoming SMS message with one or more threads including one or

more SMS messages, and applying a set of outgoing SMS message rules to outgoing SMS messages, the set of outgoing SMS message rules associating an outgoing SMS message with one or more threads including one or more SMS messages, wherein the outgoing SMS message rules are different from the incoming SMS message rules and the one or more SMS messages are also associated with a second party; and
outputting the SMS message thread displaying a relationship between two or more SMS messages. (emphasis added)

The claimed invention is a method for displaying related Short Message Service (SMS) messages as a message thread. Initially, a plurality of SMS messages associated with a first party are reviewed. A determination is then made whether to thread one or more SMS messages, also associated with a second party, from the plurality of SMS messages. To determine whether to thread one or more SMS messages, a set of incoming SMS message rules are applied to incoming SMS messages and a set of outgoing SMS message rules, which are different from the incoming SMS message rules, are applied to outgoing SMS messages. The incoming SMS message rules associate an incoming SMS message with one or more threads which include one or more SMS messages while the outgoing SMS message rules associate an outgoing SMS message with one or more threads including one or more SMS messages. The resulting SMS message thread is then output, allowing a user to view related SMS messages as included in a message thread which displays a relationship between two or more SMS messages.

By applying a set of incoming SMS message rules to incoming SMS messages and a different set of outgoing SMS message rules to outgoing SMS messages, the claimed invention increases customization of thread generation or modification by allowing different rules to associate incoming SMS messages or outgoing SMS messages with one or more threads. The incoming SMS message rules determine an association between received SMS messages and one

or more prior SMS messages using different criteria than the outgoing SMS message rules, such as threading messages from devices listed in a phone book or other list of previously known devices or separately threading messages sent in response to a previously saved message, even if the previously saved message was not from a device listed in the phone book. This allows the incoming SMS message rules to prevent threading of received unnecessary or unsolicited message threads to simplify review and evaluation of incoming SMS messages while allowing threading of outgoing SMS messages in response to previously received SMS messages, showing the relationship between outgoing SMS messages and earlier messages.

The outgoing SMS message rules determine the relationship between transmitted SMS messages and prior SMS messages using various criteria, such as message arrival time, message destination or other suitable criteria. Hence, the claimed invention allows independent generation and modification of incoming and outgoing message threads by applying different threading rules to incoming and outgoing messages to variously associated incoming SMS messages with one or more threads and outgoing SMS messages with one or more threads.

Rukman discloses identifying and organizing related messages using message text, such as a subject line. However, Rukman fails to disclose the claimed element of:

determining whether to thread one or more SMS messages from the plurality of SMS messages into an SMS message thread by applying a set of incoming SMS message rules to incoming SMS messages, the set of incoming SMS message rules associating an incoming SMS message with one or more threads including one or more SMS messages, and applying a set of outgoing SMS message rules to outgoing SMS messages, the set of outgoing SMS message rules associating an outgoing SMS message with one or more threads including one or more SMS messages, wherein the outgoing SMS message rules different from the incoming SMS message rules and the one or more SMS messages are also associated with a second party..

In contrast to the claims invention, Rukman discloses using a single parameter, such as subject text or message time to organize both incoming and outgoing messages. *See* Rukman, ¶ [0028], [0033]-[0034], [0047]. Accordingly, the technique disclosed in Rukman does not associate incoming SMS messages with one or more threads by applying a set of incoming SMS message rules to incoming SMS messages and associating outgoing SMS messages with one or more threads by applying a different set of outgoing SMS message rules to outgoing SMS messages. Rather, Rukman merely uses a single specified parameter to organize both incoming and outgoing messages. For example, Rukman uses the contents of the message subject line (e.g., the number of times “RE:” appears in the subject line or a number in the subject line) to organize messages, and is not configured to determine whether the message is incoming or outgoing. *See* Rukman, ¶ [0047]. Hence, Rukman does not apply separate message rules to incoming messages and outgoing messages to differently associate incoming SMS messages and outgoing SMS messages with one more message threads which include one or more messages.

Walsh also does not disclose the claimed limitation of:

determining whether to thread one or more SMS messages from the plurality of SMS messages into an SMS message thread by applying a set of incoming SMS message rules to incoming SMS messages, the set of incoming SMS message rules associating an incoming SMS message with one or more threads including one or more SMS messages, and applying a set of outgoing SMS message rules to outgoing SMS messages, the set of outgoing SMS message rules associating an outgoing SMS message with one or more threads including one or more SMS messages, wherein the outgoing SMS message rules different from the incoming SMS message rules and the one or more SMS messages are also associated with a second party.

Walsh discloses incorporating a message thread identifier into a message and using the thread identifier to determine a thread associated with the message. *See* Walsh, Abstract; ¶¶ [0005]-[0006]. Hence, Walsh uses the embedded thread identifier to organize messages and facilitate

replying to previously received messages. Embedding this thread identifier incorporates an additional layer of complexity and processing due to the incorporation of additional data elements into messages. Rather than associating incoming SMS messages with one or more threads by applying a set of incoming SMS message rules to incoming SMS messages and associating outgoing SMS message rules with one or more threads by applying a different set of outgoing SMS message rules to outgoing SMS messages, Walsh examines the embedded thread identifier in each message to organize messages. Walsh merely discloses embedding a thread identifier in each message; there is no disclosure of the claimed feature of

determining whether to thread one or more SMS messages from the plurality of SMS messages into an SMS message thread by applying a set of incoming SMS message rules to incoming SMS messages, the set of incoming SMS message rules associating an incoming SMS message with one or more threads including one or more SMS messages, and applying a set of outgoing SMS message rules to outgoing SMS messages, the set of outgoing SMS message rules associating an outgoing SMS message with one or more threads including one or more SMS messages, wherein the outgoing SMS message rules different from the incoming SMS message rules and the one or more SMS messages are also associated with a second party”.

The claimed feature reduces the complexity of adding additional data elements and instead is configured to work within the constructs of data already present within the system.

Beck fails to remedy the deficient disclosures of Rukman and Walsh. Specifically, Beck also fails to disclose the claimed feature of:

determining whether to thread one or more SMS messages from the plurality of SMS messages into an SMS message thread by applying a set of incoming SMS message rules to incoming SMS messages, the set of incoming SMS message rules associating an incoming SMS message with one or more threads including one or more SMS messages, and applying a set of outgoing SMS message rules to outgoing SMS messages, the set of outgoing SMS message rules associating an outgoing SMS message with one or more threads including one or more SMS messages, wherein the outgoing SMS message rules different from the incoming SMS message

rules and the one or more SMS messages are also associated with a second party”.

Beck discloses a multimedia communication center (MMCC) for accepting communication from clients and displaying an interactive self-help wizard in a graphic interface. *See* Beck, ¶¶ [0025]-[0027]. The MMCC disclosed in Walsh stores text-based and multimedia-based interactions in a repository for subsequent retrieval and analysis. *See* Beck, ¶¶ [0140]-[0142]. Beck merely classifies interactions according to transmission type, such as video phone interactions, e-mails, COST interactions, WEB interactions or video mails, and then classifies interactions of a particular type according to a business rule. *See* Beck, ¶ [162]; [0164]-[0165]. Hence, there is no disclosure in Beck of applying different threading rules to input SMS messages and output SMS messages, to associate the input SMS messages and output SMS messages, respectively, with one or more threads, but merely a disclosure of uniformly applying business rules to both incoming and outgoing messages of a particular transmission type.

To apply these business rules, Beck, like Walsh, merely assigns an identifier to an entity and organizes or stores interactions based on that identifier. *See* Beck, ¶ [0159]. Hence, Beck groups both incoming and outgoing interactions according to the presence or absence of an identifier in the interaction. While the claimed invention applies a set of incoming message rules to associate incoming SMS messages with one or more threads and applies different set of outgoing message rules to associate outgoing SMS messages with one or more threads, Beck merely examines an interaction for an identifier and organizes all interactions according to the identifier, regardless of whether the interactions are transmissions or receipts. *See* Beck, ¶¶ [0159]-[0165]. Hence, Beck facilitates subsequent retrieval of prior interactions using an identifier associated with the interactions. Rather than apply a set of incoming SMS message

rules to associate incoming SMS messages with one or more threads and apply a different set of outgoing SMS message rules to associate outgoing SMS messages with one or more threads, Beck merely examines all interactions for a specific identifier to determine how to group interactions based on an assigned thread identifier, which the claimed invention does not require.

White fails to remedy the deficient disclosure of Rukman, Walsh and Beck. Rather, White discloses automatically managing the behavior of a wireless communication device through behavior preference settings stored on the wireless communication device. White, Abstract. Macro-level preferences are maintained by the wireless communication device and control general device actions or inactions. White, col. 5, lines 3-8. As part of these macro-level preferences, lists of approved or banned phone numbers are stored to identify phone numbers, mobile device identifiers, internet protocol addresses or other identifiers specifying sources or locations which are approved or prohibited for communication. White, col.5, 17-35. Hence, these macro-level preferences merely identify sources which are able to communicate with the device or are prohibited from communicating with the device, and do not apply a set of incoming SMS message rules to associate incoming SMS messages with one or more threads and apply a different set of outgoing SMS message rules to associate outgoing SMS messages with one or more threads, as claimed.

Although White shows examples of preferences affecting incoming and outgoing text messages, these preferences merely place limits on the number of text messages that can be sent or received, regulates transmission of text messages to specific phone numbers or destinations or regulates receipt of text messages from specific phone numbers or sources. White, FIGS. 3, 4; col. 5, lines 39-49. Unlike the claimed incoming SMS message rules and different outgoing

SMS message rules, these preferences to not associate “an incoming SMS message with one or more threads including one or more SMS messages” and associate “an outgoing SMS message with one or more threads including one or more SMS messages.” At most, the preferences in White prevent transmission or receipt of text messages to specific sources or destinations or limit transmission or receipt of text messages to a specific number of messages. In contrast, the claimed incoming SMS message rules and outgoing SMS message rules allow incoming SMS messages and outgoing SMS messages, respectively, to be associated with additional SMS messages in one or more message threads. While the claimed invention allows organization of incoming SMS messages and outgoing SMS messages into one or more threads including SMS messages, White merely prohibits receipt or transmission of SMS messages based on parameters. Unlike White, the claimed invention associates incoming SMS messages with one or more threads which include one or more SMS messages by application of incoming SMS message rules and associates outgoing SMS messages with one or more threads which include one or more SMS messages by application of different outgoing SMS message rules.

Therefore, the cited references, both alone and in combination, fail to disclose at least the claimed element of:

determining whether to thread one or more SMS messages from the plurality of SMS messages into an SMS message thread by applying a set of incoming SMS message rules to incoming SMS messages, the set of incoming SMS message rules associating an incoming SMS message with one or more threads including one or more SMS messages, and applying a set of outgoing SMS message rules to outgoing SMS messages, the set of outgoing SMS message rules associating an outgoing SMS message with one or more threads including one or more SMS messages, wherein the outgoing SMS message rules are different from the incoming SMS message rules and the one or more SMS messages are also associated with a second party.

Hence, amended claim 1 is patentably distinguishable over the cited references, both alone and in combination, so withdrawal of this rejection is respectfully requested.

As to the dependent claims, because claims 2-10, 12-15, 17-19, 21, 22 and 68-72 are dependent on claim 1, all arguments advanced above with respect to claim 1 are hereby incorporated so as to apply to claims 2-10, 12-15, 17-19, 21, 22 and 68-72. Thus, claims 2-10, 12-15, 17-19, 21, 22 and 68-72 are patentable over the cited reference.

Independent claim 30 has been similarly amended to recite:

a threading rule database including a set of incoming SMS message rules applicable to incoming SMS messages, the set of incoming SMS message rules associating an incoming SMS message with one or more threads including one or more SMS messages, and a set of outgoing SMS message rules applicable to outgoing SMS messages, the set of outgoing SMS message rules associating an outgoing SMS message with one or more threads including one or more SMS messages, wherein the set of outgoing SMS message rules are different from the set of incoming SMS message rules.

Independent claims 53 and 85 have been similarly amended to recite:

determining whether to thread one or more SMS messages from the plurality of SMS messages into an SMS message thread by applying a set of incoming SMS message rules to incoming SMS message, the set of incoming SMS message rules associating an incoming SMS message with one or more threads including one or more SMS messages, and applying a set of outgoing SMS message rules to outgoing SMS messages, the set of outgoing SMS message rules associating an outgoing SMS message with one or more threads including one or more SMS messages, wherein the outgoing SMS message rules are different from the incoming SMS message rules and the one or more SMS messages are associated with a second party.

These limitations are similar to those described and distinguished over the cited references with respect to claim 1. Therefore, all arguments advanced above with respect to claim 1 are also applicable to claims 30, 53 and 85. Hence, claims 30, 53 and 85 are patentable over the cited references, both alone and in combination.

Claims 31-45, 48-50 and 75-78 depend from claim 30, so all arguments advanced above with respect to claim 1 are hereby incorporated so as to apply to claims 31-45, 48-50 and 75-78. Hence claims 31-45, 48-50 and 75-78 are patentable over the cited references, both alone and in combination.

Claims 54-59, 61-63, 65 and 80-83 depend from claim 53, so all arguments advanced above with respect to claim 1 are hereby incorporated to as to apply to claims 54-59, 61-63, 65 and 80-83. Hence, claims 54-59, 61-63, 65 and 80-83 are patentable over the cited reference, both alone and in combination.

Claims 86-88 depend from claim 85, so all arguments advanced above with respect to claim 1 are hereby incorporated so as to apply to claims 86-88. Hence, claims 86-88 are patentable over the cited references, both alone and in combination.

Hence claims 1-10, 12-15, 17-19, 21, 22, 30-45, 48-50, 53-59, 61-63, 65, 68-72, 75-68, 80-83 and 85-88 are patentable over the cited reference.

**Claims 16, 19, 46-47, 64 and 66-67 Not Obvious
in View of Rukman, Walsh, Beck and Kraft**

Claims 16, 19, 46-47, 64 and 66-67 are rejected under 35 USC § 103(a) as allegedly being unpatentable in view of Rukman, Walsh, Beck and White in further view of U.S. Patent Publication No. 2001/0006889 to Kraft (“Kraft”). This rejection is respectfully traversed.

As claims 16 and 19 depend from claim 1, all arguments advanced above with respect to claim 1 are hereby incorporated so as to apply to claims 16 and 19. As claims 46 and 47 depend from claim 30, all arguments advanced above with respect to claim 30 are hereby incorporated so as to apply to claims 46 and 47. As claims 64, 66 and 67 depend from claim 53, all arguments

advanced above with respect to claim 52 are hereby incorporated so as to apply to claims 64, 66 and 67.

Kraft is cited to make up for the combination of Rukman and Walsh's failure to disclose:

a rule to prevent expired SMS messages from being threaded," "displaying an icon in the SMS application to represent a threaded SMS" and "outputting the SMS message thread to an SMS application for display in a threaded format.

However, Kraft discloses a method for handling a message exchange session where the message history, or a portion of the message history, is transmitted between terminals during the message exchange session. *See* Kraft, ¶¶ [0004]-[0005]. While the message exchange disclosed in Kraft maintains a history of exchanged messages, it does not disclose the claimed features of:

the set of incoming SMS message rules associating an incoming SMS message with one or more threads including one or more SMS messages

and

the set of outgoing SMS message rules associating an outgoing SMS message with one or more threads including one or more SMS messages, wherein the outgoing SMS message rules are different from the incoming SMS message rules.

Hence, Kraft does not remedy the deficiencies of Rukman, Walsh, Beck and White.

Accordingly, for the reasons set forth above, claims 16, 19, 46, 47, 64, 66 and 67 are patentable over the cited references, both alone and in combination.

Claim 20 Not Obvious in View of Rukman, Walsh, Beck, White and Kanefsky

Claim 20 is rejected under 35 USC § 103(a) as allegedly being unpatentable in view of Rukman, Walsh, Beck and White in further view of U.S. Patent No. 6,799,033 to Kanefsky ("Kanefsky"). This rejection is respectfully traversed.

As claim 20 depends from claim 1, all arguments advanced above with respect to claim 1 are hereby incorporated so as to apply to claim 20.

Kanefsky is cited to make up for the combination of Rukman and Walsh's failure to disclose "the SMS application is a network browser." However, Kanefsky discloses a mobile telephone text messaging device which displays static text from past messages and a message composition field for inputting text. *See* Kanefsky, col. 1, lines 47-65. The mobile telephone text messaging device disclosed in Kanefsky merely displays text from previous messages while a new message is composed and there is no disclosure of "the set of incoming SMS message rules associating an incoming SMS message with one or more threads including one or more SMS messages," and "the set of outgoing SMS message rules associating an outgoing SMS message with one or more threads including one or more SMS messages, wherein the outgoing SMS message rules are different from the incoming SMS message rules," as recited in the amended claims. Hence, Kraft does not remedy the deficiencies of Rukman, Walsh, Beck and White.

Accordingly, for the reasons set forth above, claim 20 is patentable over the cited references, both alone and in combination.

Conclusion

In sum, claims 1-10, 12-22, 30-50, 53-59, 61-72, 75-78, 80-83, 85-88 and 95-97, as presented herein, are patentably distinguishable over the cited references (including references cited, but not applied). Therefore, reconsideration of the basis for the rejections to these claims and allowance of them is requested.

Respectfully Submitted,
RICHARD J. DONALD, DAVID L. WILLIAMS
AND DAVID MATISKELLA

Date: January 5, 2009

By: /Brian G. Brannon/

Brian G. Brannon, Attorney of Record
Registration No. 57,219
FENWICK & WEST LLP
801 California Street
Mountain View, CA 94041
Phone: (650) 335-7610
Fax: (650) 938-5200
E-Mail: bbrannon@fenwick.com